

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Jill Rivera, Assistant Deputy Clerk.

F038849 People v. Sedillo

Party stipulate that (1)Ardaiz, PJ., the absent assigned presiding justice, participate in the determination of this appeal, and (2)Ardaiz, PJ. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Maribeth Halloran, Esq., counsel for appellant. Lloyd Carter, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Submission deferred until Thursday, January 23, 2003 for Ardaiz, PJ. to listen to the recording of oral argument.

Court recessed until Wednesday, January 15, 2003 at 10:00 A.M.

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F040719 In re Andrew F., a Minor.

The May 9, 2002 paternity judgment as to Andrew F. in favor of Kevin F. is vacated. In all other respects, the judgment is affirmed. Gomes, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040591 In re Andrew F., a Minor

The appeal is dismissed. Gomes, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041709 In re Stance D., a Minor

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F039701 Freitas et al. v. Hamlin

The judgment is affirmed. Vartabedian, J.

We concur: Ardaiz, P.J. ; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038334 People v. Montemayor

The judgment is reversed as to sentencing and remanded to the trial court for further proceedings consistent with this opinion. In all other respects the judgment is affirmed. Ardaiz, P.J.

We concur: Vartabedian, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037749 Chrisman et al. v. County of Tulare

The judgment is affirmed. Levy, J.

We concur: Harris, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041082 In re Andres G., a Minor

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

IN THE

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Fifth Appellate District

F038352 People v. Jordan

The judgment of conviction is affirmed. The cause is remanded to the trial court for resentencing consistent with the views expressed in this opinion. Ardaiz, P.J.

We concur: Vartabedian, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038577 People v. Kinsey

The judgment is affirmed. The cause is remanded to the trial court for resentencing consistent with the views expressed in this opinion. Ardaiz, P.J.

We concur: Vartabedian, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040608 In re Jeremiah H., a Minor.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F040608 In re Jeremiah H., a Minor.

The appeal hereby is dismissed as moot.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038021 People v. Maciel

The judgment is reversed and the cause is remanded for a new trial before a properly instructed jury. Gomes, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]